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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/301,438	04/28/1999	CHRISTOPHER K. WOLF	NS-3799US	5559

7590 08/11/2003

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[REDACTED] EXAMINER

NGUYEN, STEVEN H D

ART UNIT	PAPER NUMBER
2665	[REDACTED]

DATE MAILED: 08/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/301,438	WOLF ET AL.	
	Examiner	Art Unit	
	Steven HD Nguyen	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 May 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 41-82 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 41-82 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____ .
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/9/2003 has been entered.

Claim Objections

2. Claims 48, 63 and 76 are objected to because of the following informalities:

As claim 63, "as claim 63" must be deleted.

As claim 76, "51" must be changed to -- 67 --.

As claim 48, "the encoded video data and the video input buffer" should be changed to -- the encoded video data in the video input buffer --.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 41-82 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not

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described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As claims 41 and 67, “to demultiplex and depacketize the data packets without interrupting the control unit” does not support by the specification. Please clarify, so the meter and boundary of the claim can be determined.

As claims 41-43, 57, 59, and 67-69, “video message”.

As claims 51-52 and 74-75, “audio message”.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 41-82 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term “video messages” in claims 41 and 67 are used by the claim to mean “tags which contain the timing and addresses of storage location for encoded video data in the video buffer”, while the accepted meaning is “video picture.” The term is indefinite because the specification does not clearly redefine the term.

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8. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term “audio messages” in claims 51-52 and 74-75 are used by the claim to mean “audio timing information and the location of encoded audio data in the audio buffer”, while the accepted meaning is “audio data”. The term is indefinite because the specification does not clearly redefine the term.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 41, 48-52, 55-58, 62-67, 74-75, 78 and 81-82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada (USP 5668601) in view of Maturi (USP 5559999).

Regarding claims 41, 48-52, 55-58, 62-65, 67, 74-75, 78 and 81, Okada discloses A decoder system comprising: a control unit (Fig 1, ref 14); a data buffer comprising a video input buffer (Fig 1, Ref 22) and an audio input buffer (Fig 1, Ref 12); a stream demultiplexer (Fig 1, Ref 5) for receiving an incoming data stream comprising data packets each comprising at least one of (i) encoded video data and a video header that contains video timing information for the

encoded video data and (ii) encoded audio data and an audio header that contains audio timing information for the encoded audio data, the stream demultiplexer operating (a) to demultiplex and depacketize the data packets without interrupting the control unit, (b) to send the encoded video data to the video input buffer for storage there without the video timing information (Fig 1, PCR and PTS is extracted from video stream before forwarding to the video buffer 12), (c) to provide the control unit with video messages that also deal with the video timing information (See Fig 4, Stage stack), and (d) to send the encoded audio data to the audio input buffer for storage there (Fig 1, audio stream forwards to the buffer by demultiplexing 5); a video decoder that decodes the encoded video data to produce decoded video data utilizing video instructions provided from the control unit as to where the encoded video data is stored in the video input buffer (Fig 1, Ref 23); and an audio decoder that decodes the encoded audio data to produce decoded audio data (Fig 13) and a video output processor for processing the decoded video data to produce processed video data suitable for video presentation and an audio output processor for processing the decoded audio data to produce processed audio data suitable for digital to analog conversion (Fig 1, Ref 13 and 23). However, Okada fails to disclose a step of providing identify where the encoded video data is stored in the video input buffer and audio messages which identify the location of encoded audio data in the audio buffer and PTS and system clock and timer for maintaining local time. In the same field of endeavor, Maturi discloses a method and apparatus for transferring the tags to the control unit which contain PTS and location of address buffer for video and audio data (Fig 4); system clock and timer for maintaining local current time (Fig 3, Ref 40) and message queue (Fig 3, Ref 18a).

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Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method of providing a control unit with tags that includes timing and location of the encoded audio and video data as disclosed by Maturi into Okada's system. The motivation would have been to synchronize the video and audio data.

Regarding claims 66 and 82, Okada fails to disclose the claimed invention. However, the examiner takes an official notice that DVB receiver is well known and expected in the art at the time of invention was made. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to apply an interface for receiving a DVB signal into the decoder of Okada and Maturi. The motivation would have been to provide a system with multiple receivers.

11. Claims 53-54 and 76-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Okada and Maturi as applied to claims 41 and 67 above, and further in view of Nuber (USP 5703877).

Regarding claims 53-54 and 76-77, Okada and Maturi fail to disclose the claimed invention. However, in the same field of endeavor, Nuber discloses an audio decoder detects audio sync words in the encoded audio data and control unit utilizes the audio timing information and the audio sync words provided from the audio decoder to detect presentation times for the decoded data (Fig 4 and col. 4, lines 28-67).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method of using a sync word and presentation time of data packet for determining the output presentation time for audio data as disclosed by Nubber's system into

the decoder of Okada and Maturi. The motivation would have been to synchronize between the audio and video signals.

12. Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Okada and Maturi as applied to claim 41 above, and further in view of Terashima (USP 6163647).

Regarding claim 61, Okada and Maturi fail to disclose the claimed invention. However, in the same field of endeavor, Terashima discloses the buffers (Fig 1, Ref 13 and 23) for coupling between the audio decoder and video decoder (Fig 1, Ref 12 and 22) and audio processor and video processor (Fig 1, Ref 14 and 24) wherein the audio processor retrieving the decoded audio data from the audio output buffer for processing and input to a audio digital to analog converter (Fig 1, Ref 1) and the video processor retrieving the decoded video data from the video output buffer for processing and input to a video display (Fig 1, Ref 6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply the buffers between the decoders and processors as disclosed by Terashima's system into the decoder of Okada and Maturi. The motivation would have been to synchronize between the audio and video signals.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fujinami (USP 5537148) discloses a video and audio data demultiplexer having controlled synchronizing signal.

Miyagosi (USP 60477027) discloses a packetized data stream decoder using timing information extraction and insertion.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (703) 308-8848. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on (703) 308-6602. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



Steven HD Nguyen
Examiner
Art Unit 2665
August 5, 2003